

COMMISSION ON STATE MANDATES  
PROPOSED NOTICE AND AGENDA<sup>1</sup>  
State Capitol, Room 126  
Sacramento, California

September 30, 2004  
9:30 A.M.<sup>2</sup>

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

Item 1 July 29, 2004

III. APPEAL OF EXECUTIVE DIRECTOR DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181, SUBDIVISION (c).

(Note: This item is limited to appeals regarding this month's agenda items.)

Item 2 Staff Report (if necessary)

IV. PROPOSED CONSENT CALENDAR (action)

*Note: If there are no objections to any of the following action items designated by an asterisk (\*), the Executive Director will include it on the Proposed Consent Calendar that will be presented at the hearing. The Commission will determine which items will remain on the Consent Calendar.*

V. HEARINGS AND DECISIONS, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (action)

A. TEST CLAIMS AND PROPOSED STATEMENTS OF DECISION

**(Note: Items 4 and 6 will not be voted on unless the staff recommendations for Items 3 and 5 respectively, are adopted.)**

Item 3 *California English Language Development Test, 00-TC-16*  
Modesto City School District, Claimant  
Education Code Sections 313, 60810, 60811, 60812  
Statutes 1997, Chapter 936 (AB 748)  
Statutes 1999, Chapter 78 (AB1115)  
Statutes 1999, Chapter 678 (SB 638)  
Statutes 2000, Chapter 71 (SB 1667)

Item 4 Proposed Statement of Decision: *California English Language Development Test, 00-TC-16, as described above in Item 3.*

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<sup>1</sup> This public meeting notice is available on the Internet at <http://www.csm.ca.gov>.

<sup>2</sup> A lunch break may be taken.

- Item 5     *Acquisition of Agricultural Land for a School Site*, 98-TC-04  
 Brentwood Union School District, Claimant  
 Education Code Sections 17213.1, 17215.5 (former § 39006)  
 Statutes 1996, Chapter 509 (AB 1724)  
 Statutes 1999, Chapter 1002 (SB 162)  
 Statutes 2000, Chapters 135 and 443 (AB 2539 and AB 2644)
- Item 6     Proposed Statement of Decision: *Acquisition of Agricultural Land for a School Site*, 98-TC-04, as described above in Item 5.

B. PROPOSED STATEMENT OF DECISION

- Item 7\*    *DNA Database*, 00-TC-27  
 County of San Bernardino, Claimant  
 Penal Code Section 14250  
 Statutes 2000, Chapter 822 (SB 1818)  
 -and-  
 Amendment to *Postmortem Examinations: Unidentified Bodies*, 02-TC-39  
 County of Los Angeles, Claimant  
 Penal Code Section 14250  
 Statutes 2001, Chapter 467 (SB 297)

VI. INFORMATIONAL HEARING PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 8 (action)

A. ADOPTION OF PROPOSED STATEWIDE COST ESTIMATES

- Item 8     *Administrative License Suspension – Per Se*, 98-TC-16 (Tentative)  
 City of Newport Beach, Claimant  
 Vehicle Code Sections 13202.3, 13353, 13353.1, 13353.2, 14100, 23136, 23137, 23157, 23158.2, and 23158.5  
 As Added or Amended by Statutes 1989, Chapter 1460 (SB 1623)  
 Statutes 1990, Chapter 431 (SB 1150)  
 Statutes 1992, Chapter 1281 (AB 3580)  
 Statutes 1993, Chapters 899 and 1244 (SB 689)  
 Statutes 1994, Chapter 938 (SB 1295)  
 Statutes 1997, Chapter 5 (AB 74)
- Item 9\*    *Charter Schools II*, 99-TC-03  
 San Diego Unified School District and  
 Los Angeles County Office of Education, Claimants  
 Education Code Sections 47605, Subdivisions (j)(1) and (k)(3), 47605.5, 47607, and 47614  
 Statutes 1998, Chapters 34 and 637 (AB 544 and AB 1958)

- Item 10\* *Sexual Assault Response Procedures*, 99-TC-12  
 Los Angeles Community College District, Claimant  
 Education Code Sections 67385  
 Statutes 1990, Chapter 423 (AB 3098)  
 Statutes 1995, Chapter 758 (AB 446)
- Item 11\* *Criminal Background Checks II*, 00-TC-05  
 Napa County Office of Education, Claimant  
 Education Code Sections 44830.1, 44830.2, 45122,1, 45125, 45125.01,  
 45125.1, and 45125.2  
 Statutes 1998, Chapters 594 and 840 (AB 1392 and AB 2102)
- Item 12\* *Absentee Ballots: Tabulation by Precinct*, 00-TC-08  
 County of Orange, Claimant  
 Elections Code Sections 15111, 15321 and 21000  
 Statutes 1999, Chapter 697 (AB 1530)

## VII. STAFF REPORTS

- Item 13 California Performance Review Report<sup>3</sup>
- Recommendation GG 32 – Reform the State Mandates Process to Make Reimbursement More Cost-Efficient, Predictable and Fair
  - Proposed Governor’s Office of Management and Budget
- Item 14 Chief Legal Counsel’s Report (info)  
 Recent Decisions, Litigation Calendar
- Item 15 Executive Director’s Report (info/action)  
 Workload, Budget, Legislation, Next Hearing

## VIII. PUBLIC COMMENT

IX. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 and 17526. (Closed Executive Session may begin at this time or may begin earlier on this day and reconvene at the end of the meeting.)

### A. PENDING LITIGATION

To confer with and receive advice from legal counsel, for consideration and action, as necessary and appropriate, upon the following matters pursuant to Government Code section 11126, subdivision (e)(1):

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<sup>3</sup>The report is available online at [www.cpr.ca.gov](http://www.cpr.ca.gov)

1. *San Diego Unified School District v. Commission on State Mandates, et al.*, Case Number S109125, in the Supreme Court of the State of California. CSM Case No. 02-L-02 [*Pupil Expulsions*]
2. *San Diego Unified School District and San Juan Unified School District v. Commission on State Mandates, et al.*, Case Number C044162, in the Appellate Court of the State of California, Third Appellate District. CSM Case No. 02-L-05 [*Physical Performance Tests*]
3. *State of California, Department of Finance v. Commission on State Mandates, et al.*, Case Number 03CS01069 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-01 [*Animal Adoption*]
4. *State of California, Department of Finance v. Commission on State Mandates, et al.*, Case Number 03CS01432 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-02 [*Behavioral Intervention Plans*]
5. *San Diego Unified School District v. Commission on State Mandates, et al.*, Case Number 03CS01401 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-03 [*Graduation Requirements IRC*]
6. *Castro Valley Unified School District v. Commission on State Mandates, et al.*, Case Number 03CS01568 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-04 [*Graduation Requirements IRC*]
7. *San Jose Unified School District v. Commission on State Mandates, et al.*, Case Number 03CS01569 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-05 [*Graduation Requirements IRC*]
8. *Sweetwater Union High School District v. Commission on State Mandates, et al.*, Case Number 03CS01570 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-06 [*Graduation Requirements IRC*]
9. *Clovis Unified School District v. Commission on State Mandates, et al.*, Case Number 03CS01702 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-09 [*Graduation Requirements IRC*]
10. *Grossmont Union High School District v. Commission on State Mandates, et al.*, Case Number 04CS00028 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-10 [*Graduation Requirements IRC*]
11. *County of Los Angeles v. Commission on State Mandates, et al.*, Case Number BS087959, in the Superior Court of the State of California, County of Los Angeles. CSM Case No. 03-L-11 [*Animal Adoption*]
12. *County of Los Angeles and Los Angeles County Flood Control District v. State of California, Commission on State Mandates, et al.*, Case Number BS089769, in the Superior Court of the State of California, County of Los Angeles. CSM Case No. 03-L-12 [*Transit Trash Receptacles, et al.*]
13. *City of Artesia, et al. v. State of California, Commission on State Mandates, et al.*, Case Number BS089785, in the Superior Court of the State of California, County of Los Angeles. CSM Case No. 03-L-13 [*Waste Discharge Requirements*]

To confer with and receive advice from legal counsel, for consideration and action, as necessary and appropriate, upon the following matter pursuant to Government Code section 11126, subdivision (e)(2):

- Based on existing facts and circumstances, there is a specific matter which presents a significant exposure to litigation against the Commission on State Mandates, its members and/or staff (Gov. Code, § 11126, subd. (e)(2)(B)(i).)

B. PERSONNEL

To confer on personnel matters pursuant to Government Code sections 11126, subdivision (a) and 17526. Discussion and action, if appropriate on report from the Personnel Sub-Committee.

X. REPORT FROM CLOSED EXECUTIVE SESSION, RECONVENE IN PUBLIC SESSION

XI. ADJOURNMENT

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